

Remarks

Claims 2-6, 13 and 17-21 are cancelled.

Claims 1, 7, 8, 9 and 11 are amended in part to correct typographical errors, to recite proper Markush groups, and to further limit the subject matter of the claims from which they depend. Claim 1 has been further amended to include limitations from claim 13 as originally filed. Claim 8 has been further amended to further limit the subject matter of the claim from which it depends.

Claims 21 and 22 are added. Support for these claims can be found in claim 7 as originally filed.

Applicant reserves the right to pursue the subject matter of the originally filed claims in a continuing application.

No new matter has been added.

Rejection under 35 U.S.C. § 112, second paragraph

Claims 7, 8, 11, 17, 18, 20 and 21 are rejected under 35 U.S.C. § 112, second paragraph as being indefinite.

Claims 7, 8 and 11 are now amended. Claims 17, 18, 20 and 21 are now cancelled. The Examiner is respectfully requested to reconsider and withdraw the rejection.

Non-Statutory Double Patenting Rejection

under Judicially Created Doctrine of Obviousness-Type Double Patenting

Claims 17-19 and 21 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8 of U.S. Patent No. 6,355,614.

Claims 17-19 and 21 are now cancelled. The Examiner is respectfully requested to reconsider and withdraw the rejection.

Rejection under 35 U.S.C. §102(b) and (e)

WO 93/08259 alone or in view of Snow et al. or Shioda et al.

Claims 1, 7-9 and 13-19 are rejected under 35 U.S.C. § 102(b) as being anticipated by WO 93/08259. Claim 11 is rejected under 35 U.S.C. § 102(b) as being anticipated by WO 93/08259 in view of Snow et al. Claim 12 is rejected under 35 U.S.C. § 102(b) as being

anticipated by WO 93/08259 in view of Shioda et al. According to the Examiner, WO 93/08259 teaches treatment of diseases such as autoimmune diseases and HIV infection using a DP-IV inhibitor such as Ala-boroPro.

In view of the amendment to claim 1, the Examiner is respectfully requested to reconsider and withdraw the rejection.

U.S. Patent No. 6,100,234 alone or in view of Snow et al. or Kelly et al. or

Claims 1, 7-10 and 13-20 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,100,234. Claim 11 is rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,100,234 in view of Kelly et al. or Snow et al. Claim 12 is rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,100,234 in view of Shioda et al. According to the Examiner, U.S. Patent No. 6,100,234 teaches treatment of HIV infection patients by administering DPIV inhibitors.

In view of the amendment to claim 1, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Kelly et al.

Claims 17-19 and 21 are rejected as being anticipated by Kelly et al.

Claims 17-19 and 21 are now cancelled. The Examiner is respectfully requested to withdraw the rejection.

WO 99/28474

Claim 13 is rejected under 35 U.S.C. § 102(b) as being anticipated by WO 99/28474. According to the Examiner, WO 99/28474 teaches administration of a DPIV inhibitor in order to inhibit chemokine processing thereby accelerating angiogenesis, for the purpose of treating heart tissue suffering from atherosclerotic disease.

Applicant traverses the rejection at least on the basis that WO99/28474 was published on June 1999, less than one year from the filing date of the instant application, and thus does not constitute a 102(b) bar to the claimed invention. The Examiner is respectfully requested to withdraw the rejection.


Priority Claim

The Examiner asserts that some of the claimed subject matter is entitled to a priority date of the filing date of the instant application and not the filing date of the provisional application to which priority is claimed. The rejections presented in the Office Action are overcome regardless of priority date. Accordingly, Applicant reserves the right to traverse the priority claim in a future response should it be necessary. Applicant is not conceding the priority claim asserted by the Examiner.

Summary

Applicant believes that each of the pending claims is in condition for allowance. If the Examiner has any questions and believes that a telephone conference with Applicant's representative would prove helpful in expediting the prosecution of this application, the Examiner is urged to call the undersigned at (617) 720-3500 (extension 266).

Respectfully submitted,
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